

Moloy K. Good WSBA #36036
THE GOOD LAW CLINIC
7017 NE Highway 99, Suite 106
Vancouver, WA 98665
Phone: (360) 694-4530
Fax: (360) 694-4659
moloy@goodlawclinic.com

Jeffrey Keddie, WSBA #47101
Megan Harney, WSBA #59305
NORTHWEST JUSTICE PROJECT
500 W. 8th St., Suite 275
Vancouver, WA 98660
Tel. (360) 693-6130
Fax (360) 693-6352
jeffreyk@nwjustice.org

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

**CHRISTOPHER COOPER and
MARTIS SANDERS as guardian for
their minor daughter, K.C.;**
**CHRISTOPHER COOPER and
MARTIS SANDERS, individually**
Plaintiffs,

v.

**WOODLAND SCHOOL DISTRICT,
K.W.R.L. TRANSPORTATION CO-
OP, and SHANNON BARNETT**
Defendants.

NO. 3:22-CV-05262-DGE

ORDER APPOINTING
SETTLEMENT GUARDIAN AD
LITEM

ORDER

ORDER APPOINTING SETTLEMENT
GUARDIAN AD LITEM
Page 1 of 8

The Good Law Clinic, PLLC
WSBA#36036 / OSB#012636
7017 NE Highway 99, Suite 106
Vancouver, WA 98665
Phone: (360) 694-4530
Facsimile: (360) 694-4659
E-mail: moloy@goodlawclinic.com

1 A Motion for Appointment of Settlement Guardian ad Litem having been filed on behalf
2 of the above-named minor or incapacitated person, the Court finding that the facts set forth give
3 the court jurisdiction over this matter and that pursuant to LCR 17(c) a Settlement Guardian ad
4 Litem is required to investigate and evaluate the proposed settlement; now therefore,
5 THE COURT ORDERS:

6 **I. Settlement Guardian ad Litem**

7 Evan Hull, WSBA #13388, is a person found or known by the court to be a suitable, disinterested
8 person having the requisite knowledge, training and expertise to perform the duties required by
9 LCR 17(c), and is hereby appointed to represent the interests of the named minor.

10 ADDRESS: 900 NW 43rd St, Vancouver, WA 98660-1606

11 EMAIL: evanhull@pacifier.com

12 PHONE: (360) 693-7455

13 **II. Compensation of Settlement Guardian ad Litem**

14 Approximate settlement amount: \$75,000. The Settlement Guardian ad Litem shall be paid a flat
15 rate not to exceed \$1,750.00 total, unless further Court approval is given in advance for additional
16 fees or time. Respondent has agreed to be responsible for the flat fee of \$1,750.00.

17 **III. Duties**

18 The Settlement Guardian ad Litem shall have the following duties:

19 //

20 //

21 ORDER APPOINTING SETTLEMENT
22 GUARDIAN AD LITEM
Page 2 of 8

The Good Law Clinic, PLLC
WSBA#36036 / OSB#012636
7017 NE Highway 99, Suite 106
Vancouver, WA 98665
Phone: (360) 694-4530
Facsimile: (360) 694-4659
E-mail: moloy@goodlawclinic.com

1 A. To investigate and evaluate the adequacy of the offered settlement in light of the
2 needs and best interests of the minor or incapacitated person.

3 B. To review written or oral reports from the attorneys, guardians, and medical
4 providers necessary to permit a complete report.

5 C. To provide the court with a written report, which shall include a description, in
6 depth appropriate to the magnitude of injuries and the amount offered, of the following
7 information, As a minimum:

8 1. Summary: State the amount of the settlement that you are recommending,
9 and how the net proceeds will be distributed.

10 2. Include the name and contact information of parents and another relative:
11 List the name and address of each parent of the minor and another relative. This
12 information will be used in the event the court needs to contact the minor upon
13 turning age 18 or if the court needs to contact the parent for a missing report if
14 required.

15 3. Appointment of Settlement Guardian ad Litem: State your name, date of
16 appointment, and the date that you started working on this matter. Give a brief
17 statement of your experience and qualifications as pertain to serving as a
18 Settlement Guardian ad Litem, or attach a Curriculum Vitae, with this
19 information. Describe your relationship, if any, with involved parents, guardians,
20 insurers, or attorneys.

1 4. Investigation: Describe the investigation you conducted, the persons
2 interviewed, and the documents you reviewed.

3 5. Description of Incident and Cause of Action: Describe the incident and the
4 affected person's legal claims.

5 6. Injuries: Describe the injuries, diagnosis, course of treatment, and
6 prognosis for future disability. Attach a copy of a recent supporting medical
7 report or medical record.

8 7. Damages: Describe the special and general damages that are potentially
9 recoverable.

10 8. Liability Issues: Describe the factors bearing on each potential defendant
11 person or entity's liability, including issues of primary negligence, contributory or
12 comparative negligence, causation and probable chance of recovery.

13 9. Insurance & Assets Available to Satisfy Claim: State the nature and extent
14 of all insurance coverage or assets available to satisfy the claim, whether
15 maintained through the defendant, the family, or available through government
16 entitlements.

17 10. Liens and Subrogation: Identify all liens, subrogation, and reimbursement
18 claims. Make a recommendation regarding how those claims are to be resolved
19 including a recommendation regarding retention in any attorney's trust account of
20 the full amount claimed until the final resolution of the claim.

1 11. Other Claims: Identify all other claims arising out of the same occurrence.
2 State whether another family member has a claim arising out of the same
3 occurrence, and whether any family member is or could be a plaintiff or defendant
4 in any action based upon the minor's claim or the occurrence from which it arose.

5 12. Apportionment: Indicate the amount, basis, and justification for allocating
6 the gross settlement to be paid among the various claimants of the same family or
7 unrelated claimants, if any. State whether the minor or incapacitated person was
8 independently represented at the time the proposed apportionment was
9 determined.

10 13. Proposed Settlement: Discuss and evaluate the reasonableness of the
11 proposed settlement amount, stating the basis for your valuation of the claim.
12 Also discuss the form the settlement might take (e.g. blocked account,
13 guardianship, structured settlement, or trust) and the proposed settlement
14 documents.

15 14. Expenses and Fees: Discuss and evaluate the reasonableness of the
16 attorney's fees requested, costs to be reimbursed, and any other deductions from
17 the proceeds of the claim.
18
19
20

15. Disposition of Net Proceeds: Set forth your calculation of the net proceeds of the claim. Begin with the proposed offer and subtract attorney's fees and costs, liens and subrogation reimbursements, and settlement guardian ad litem fees. Give your reasons and recommendations regarding as to how the funds should be placed. If a legal guardianship is required, state the nominee and the terms that you recommend. If you recommend a structured settlement, state why that option is preferred; the specific payout schedule recommended and how it relates to the specific needs of the minor; and a statement which includes the cost of the structured portion, the interest rate received, the name and financial rating of the company providing the annuity. If you or any party recommend the creation of a trust as recipient of the settlement funds, give your recommendation as to the special needs of the incapacitated person and how they would be served by having a trust; specific provisions that ought to be included or omitted from the trust; and your nomination of professional to draft the trust, and a recommended fee therefore.

16. Settlement Guardian ad Litem Fees: Attach a declaration of your time and services, giving your professional rate and the amounts sought. Indicate who you recommend pay these fees and costs.

17. Presence at Hearing: State whether the minor or the Settlement Guardian ad Litem, or which other person(s) should be present at the hearing to approve the settlement.

D. To accomplish all other duties specifically required under LCR 17(c) and any order of the court filed herein.

//

VII. Copy of Order

Counsel or party requesting this appointment is directed to provide a copy of this order to the Settlement Guardian Ad Litem.

VIII. Attendance at Hearings

The presence of the Settlement Guardian ad Litem is required unless waived by the Court in advance of the hearing for good cause shown, pursuant to an Order obtained Ex Parte.

Dated: October 26th, 2022



David G. Estudillo
United States District Judge

Presented:

/s/ Jeffrey Keddle

Jeffrey Keddle, WSBA #47101
Attorney for Plaintiffs

May be signed without notice:

/s/ Mark O'Donnell

Mark O'Donnell, WSBA #13606
Attorney for Defendants